

AN ACT

ENTITLED, An Act to clarify the authority of federally regulated charter bus service operators to provide charter bus services to schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 13-29-1 be amended to read as follows:

13-29-1. The school board of any school district may acquire, own, operate, or hire buses for the transportation of students to and from its schools either from within or without the district or for transportation to and from athletic, musical, speech, and other interscholastic contests in which participation is authorized by the school board. The school district may contract with a federally regulated charter bus operation to provide charter bus service for transportation of students, chaperones, and employees to and from athletic, musical, speech, other interscholastic contests, and special events in which participation is authorized by the school board. Buses used for this purpose need not meet requirements of a school bus unless such buses are used for the daily transportation of students to and from schools either from within or without the district. If the use of a school bus is granted by the school board pursuant to subdivision 49-28-2(1) or (8), the school district is not liable for suit or damages which may arise as the result of the use. The school board may authorize the use of the buses owned by the board for transportation of adults pursuant to subdivision 49-28-2(1) or (7). The provisions to transport adults, provided in this section, shall not apply to school districts which contain a first class municipality. Use of a school bus for transportation of persons enumerated in subdivision 49-28-2(7) is limited to providing shelter, health care, nutrition, religious activities, and other necessities of life.

Section 2. That § 13-29-6 be amended to read as follows:

13-29-6. Each school bus used for the transportation of school children which is owned by a school district, a nonpublic school or alternative education program or privately owned and operated under a contract with a school board or nonpublic school or alternative instruction program shall be

inspected before the beginning of each school year by a representative of the Division of Highway Patrol to certify that the vehicle complies with state law, and rules of the South Dakota Board of Education, the Department of Commerce and Regulation, and the Division of Highway Patrol. However, if a school bus is purchased from a licensed motor vehicle dealer during the school year, the dealer may inspect and certify that the vehicle complies with such law and rules. The owner of any bus certified by a dealer shall have the bus inspected by the Division of Highway Patrol before the beginning of the next school year. The owner of the bus shall display a certificate certifying that the school bus has successfully passed inspection issued by the Division of Highway Patrol or the dealer in a form prescribed by the Division of Highway Patrol in the vehicle above the windshield. Any school board, contractor, or person operating a school bus that has not been certified commits a petty offense. This section does not apply to federally regulated charter bus service operations.

Section 3. That § 32-32-1 be amended to read as follows:

32-32-1. A school bus is any vehicle with a capacity of ten or more pupils and the driver owned or operated by or for a school or a school district as authorized under § 13-29-1, and to transport school children to and from school or in connection with school activities. Buses operated by a federally regulated charter bus service provider used in connection with school activities, other than to daily transport children to and from school, need not meet the requirements of this chapter.

An Act to clarify the authority of federally regulated charter bus service operators to provide charter bus services to schools.

=====

I certify that the attached Act  
originated in the

HOUSE as Bill No. 1193

\_\_\_\_\_  
Chief Clerk

=====

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1193  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

=====

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

=====

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

=====

STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State